

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CATLIN (FIVE) LIMITED,

Plaintiff,

-against-

VERITAS GEOPHYSICAL CORP.,

Defendant.
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ECF

Case No.:

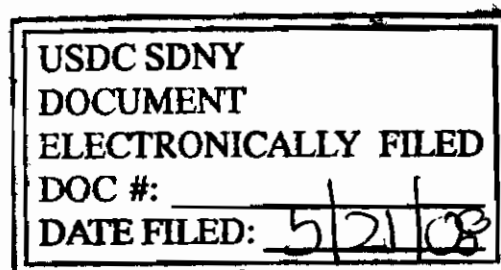
08-CV-2776 (RWS)(HP)

**PROPOSED CIVIL CASE
MANAGEMENT PLAN AND
SCHEDULING ORDER**

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

The Defendant's Position:

Veritas Geophysical Corp. ("Veritas") requests a sixty (60) day stay of all proceedings in this case because it believes the underlying personal injury action currently pending in a state court in Texas will likely get resolved within the policy limits of the Primary Liability Policy, thus rendering moot the present declaratory judgment involving the Excess Liability Policy. Veritas represents that the parties in the underlying action have reached a high-low agreement within the parameters of the Primary Policy's limit of liability, which is currently subject to a hearing before the court. If the court does not decide the matter, then the parties have discussed resolution of the dispositive motions via binding arbitration. Once the underlying actions are resolved within the policy limit of the Primary Liability Policy, Veritas will provide the Excess Underwriters in this action with a complete release and this case may then be dismissed with prejudice.



The Plaintiff's Position:

The plaintiff Catlin (Five) Limited ("Catlin") does not object to the court granting a stay of all proceedings for sixty (60) days, subject to this stay period not impacting the parties' time to conduct discovery, if the underlying action is not resolved.

Scheduling Order:

After the expiry of the sixty (60) day stay, the parties agree to the following schedule:

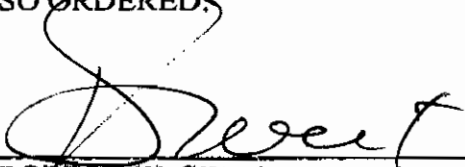
1. No additional parties may be joined after **September 19, 2008**.
2. No amendment to the pleadings will be permitted after **September 19, 2008**.
3. Except for good cause shown, all discovery shall be commenced in time to be completed by **November 19, 2008**. The discovery completion date shall not be adjourned except upon a showing of good cause.
4. Dispositive motions are to be served by **January 26, 2009**. Answering papers are to be served within 14 days. Reply papers are to be served within seven (7) days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to four (4) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date five (5) weeks from the decision on the motion.
5. A final pretrial conference will be held on _____, **2009**, at 9:30 a.m.
6. The Joint Pretrial Order shall be filed no later than 2/12, **2009**. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. All motions and applications shall be governed by the Court's Individual Rules of Practice.

8. The parties shall be ready for trial on 48 hours notice on or after 2/12, 2009. The estimated trial time is seven (7) days and this is a non-jury trial.

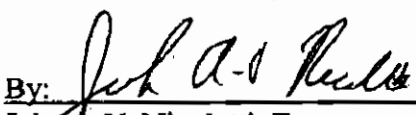
9. The Next Case Management Conference will be held on _____, 2009 at _____.

Dated: 5-20, 2008
New York, New York

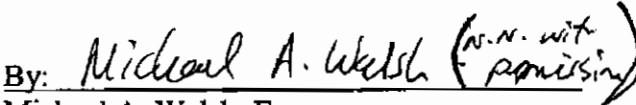
SO ORDERED.


ROBERT W. SWEET
United States District Judge

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